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HISPANIC  
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# Did These Women SAVE YOUR **LIFE?**

In honor of Hispanic Heritage Month, we pay tribute to a group of Chicana activists who, 30 years ago, waged a groundbreaking legal battle—and wound up making history for us all.

BY FRANKISKA CASTILLO

**S**he was 26, just out of law school and a public attorney who had never argued a case in court. But Antonia Hernandez will have a great one when she takes on the state of Texas that landed on her desk in the fall of 1974. It's not just a good case; they called it up to one with the potential to change national policy. In past, often years of medical crises, the Mexican-born Antonia—who was then

Back in 1977, Gloria Melina (right), in front row among the Chicana activists, fighting for women's rights.



a lawyer for the nonprofit Los Angeles Center for Law and Justice—saw evidence of an unspeakably unethical practice: the forced sterilization of women, mostly Latinas, at the Los Angeles County–University of Southern California Medical Center.

Antonia didn't need much convincing that the reports were true; only six years earlier, doctors at the same hospital had tried to pressure her own mother to have her tubes tied. Moreover, at the time, a few doctors had begun to reveal sterilization abuse of women across the country (particularly of those who didn't speak English), an unintended result of a 1971 nationwide sterilization initiative, funded by the U.S. government, that offered family-planning services to low-income women. Trouble was, the program didn't have safeguards to protect women from having the procedures performed on them without their consent. And in an era when some doctors still openly believed in eugenics (the idea that they should control the growing population—particularly the poor, the disabled and minorities—by keeping those groups from having too many kids), the number of involuntary sterilizations nationwide skyrocketed.

At Los Angeles County Hospital, as Antonia would eventually discover, this practice had become all too common, especially among obstetricians who believed that their patients' large Latino families were overpopulating the city. Often the women were told that they would die if they didn't agree to the operation, or that the procedure was temporary—both flagrant lies. For women who were more comfortable receiving information in Spanish than in English, such statements, coming from powerful doctors, were especially difficult to dispute.

Not for Antonia. In a case that marks its



From left: Gloria Molina, Antonia Hernández and Olivia G. Rodríguez.

**“We said, ‘We need to fight this so it can’t happen again.’”**

30th anniversary this year, she and a group of other young Latina activists—including Gloria Molina and Olivia G. Rodríguez, both 27 at the time—joined forces to help 11 mujeres who had been sterilized without their consent to file a groundbreaking class action lawsuit (*Madrigal et al v. Quilligan et al*) against their doctors, the hospital, the state and the agency in charge of the program.

In doing so, the Chicana activists went up against some of California's most powerful institutions—with little support from male Chicano activists or mainstream feminist groups—to demand that federally funded hospitals provide patients with sterilization counseling and consent forms in both Spanish and English. They emerged with sweeping new protections of women's bodies that, even today, influence our ability to have children when we want to, as often as we want to. As difficult as it was to fight, “this case changed the landscape,” says Antonia.

This is the story of how.

## BASTA YA

Out of all the sterilization-abuse news that made Antonia angry—reports of Latinas as young as 15 having their tubes tied, and mujeres with only one child being left unable to have any more—the thing that made her angriest was hearing Dr. E.J. Quilligan, the head of L.A. County Hospital's obstetrics and gynecology department, insist to the press that his staff carried out sterilizations only with the full, informed consent of patients.

That's because she knew the exact opposite to be true. In 1973 another of the hospital's doctors, Bernard Rosenfeld, had publicly accused the hospital's staff of regularly pressuring—or even forcing—women who came in for a cesarean section to have a second surgery: tubal ligation, which cuts or ties off the ends of a woman's fallopian tubes and effectively terminates her ability to have children. It was Dr. Rosenfeld who had turned over notes on the medical charts of 189 mostly Latina patients to Antonia, and as she read through them, she grew more and more outraged.

“Emergency Cesarean section and sterilization... no consents signed,” read the notes about one 29-year-old Latina patient. When the woman returned for a follow-up visit five weeks later, someone wrote down, “[She] wants to know type of operation done.” For a 30-year-old Latina, a doctor had written, “Patient not asked about tubal ligation until after 6 hours, 15 minutes of labor in hospital and after narcotics. The consent forms were written in English... patient speaks only Spanish.”

Because the law center she worked for couldn't afford to hire much help for her, Antonia “literally drove around the city trying to find these women,” eventually locating more than 100 who had been sterilized against their will. “A lot of them were totally shocked,” she says, recalling the conversations in which she explained what had happened to them. “Some still thought the tubes could just be untied.”



## STAKING THEIR CLAIM

Thirty years ago, Gloria Molina (left) and her fellow activists went public with reports of sterilization abuse—and sparked nationwide change.



Ultimately, Antonia convinced 11 mujeres to fight back publicly, including Tejana Elena Orozco, who was such a private person that up until her death in 1992, she never told five of her seven children that she had been a victim. Still, "she stuck up for herself with the intention of making these doctors pay, one way or another," says her son Joseph Rodriguez, 44. "She was a hero; a strong, courageous woman."

And with that, Antonia began putting together *Madrigal v. Quilligan*. What she still needed, however, was to get out the word.

## "NO ONE WILL LIFT US UP BUT OURSELVES"

Only a few blocks away from the county hospital—and still oblivious to what was going on there—a group of dedicated mujeres, led in part by Gloria and Olivia, had come together in the early 1970s to form la Comisión Femenil Mexicana Nacional in order to jump-start a social movement for Chicanas, by Chicanas.

At the time, the Chicano civil rights effort was exploding in California. But all too often, its male leaders considered Latina concerns—such as child care and reproductive rights—not as crucial to the movement as, say, better jobs for Chicanos. And most national women's rights groups hesitated to offer their support because they feared that limits on sterilization, such as waiting periods, could lead to encroachments on the overall reproductive freedoms

they had fought so hard for. As a result, la Comisión was often left to battle for Latina causes alone. "My aunt always said, 'No one is going to lift us up but ourselves,'" William Flores says, remembering his tía, la Comisión founder Francisca Flores, who died in 1996. "We are going to be the ones who will defend our bodies and our children."

Indeed, when Antonia brought her case to la Comisión, members were so moved by the women's stories that they agreed to sign on as additional plaintiffs in court. In addition, in June 1975, after Antonia filed *Madrigal v. Quilligan*, la Comisión began lobbying state and federal officials to create laws that would protect other women from sterilization abuse and started holding press conferences to publicize the case. "At that point we said, 'We need to fight for this,'" Gloria says. "We need to learn how to organize so this can't happen again."

## HASTA LA VICTORIA

Thanks in large part to the work of Antonia, Gloria, Olivia and other members of la Comisión, a public outcry erupted. Within four months, a U.S. district court judge in California barred federal funds from being used to sterilize women under the age of 21 and ordered the state to rewrite consent forms in Spanish at a sixth-grade level. State officials then went a step further and issued a new, bilingual patient-information booklet, warning women not to let anyone push them into

surgery that they did not want.

Most important, the case was among a few that led the federal government to pass new national guidelines—for all women, not just Latinas or other minorities—that barred doctors from asking patients to submit to sterilization while in labor and required hospitals to have interpreters on hand to explain such procedures to anyone who didn't understand English. "It's as a direct result of these Latinas' activism," says Elena Gutiérrez, Ph.D., a University of Illinois professor who writes about the fight against sterilization abuse in her new book, "that we have the regulations we do."

In the 30 years since the *Madrigal* case was filed, many of its main champions, including Antonia, Gloria and Olivia, have gone on to prominent positions: Antonia used to head the Mexican American Legal Defense and Educational Fund and today is the president and CEO of the philanthropic California Community Foundation; Gloria sits on the Los Angeles County Board of Supervisors; and Olivia chairs the Los Angeles County Commission for Women's Domestic Violence Committee.

But as they look back on what they did to shape Latinas' rights in America, they seem amazed at what happened—and even a little surprised. "I think we were so gutsy because we had several Cesar Chavez marches under our *rebozos*," Olivia recalls. "At the time we never, never thought that we were doing something historic—we just did it." **L**

**Heroínas** Para celebrar el Mes de la Herencia Hispana, te presentamos a un grupo latinas que 30 años atrás libraron una batalla legal que hizo historia y preservó el derecho de toda mujer a tener hijos.

Recién graduada de la escuela de leyes a los 26 años de edad, la mexicana Antonia Hernández ni siquiera había participado en un juicio importante, pero sí sabía distinguir muy bien los méritos de un caso. En 1974, cuando trabajaba para una organización legal sin fines de lucro, le tocó revisar un archivo de informes médicos que revelaban una práctica ilegal y despreciable: la esterilización forzada de mujeres —en su mayoría latinas— en el centro médico Los Angeles County-University of Southern California Medical Center.

Estaba convencida de que los informes eran verdaderos, ya que seis años atrás, en ese mismo centro, los médicos habían tratado de convencer a su madre de que se dejara ligar las trompas

de Falopio para no tener más hijos. Antonia y un grupo de jóvenes activistas, entre ellas Gloria Molina y Olivia G. Rodríguez, se unieron para ayudar a 11 mujeres que habían sido esterilizadas sin su consentimiento a presentar una querrela colectiva contra los doctores, el centro médico, el estado de California y la agencia federal a cargo del programa de esterilización. Casi sin apoyo de los hombres o los grupos feministas, Antonia, Gloria y Olivia demandaron que los hospitales proveyeran a las pacientes consejería sobre esterilización y formularios de consentimiento en español y en inglés, así como una amplia serie de regulaciones para proteger el cuerpo de las mujeres que hasta el día de hoy impactan nuestra habilidad de tener hijos.

Antonia recorrió la ciudad en busca de mujeres que habían sido esterilizadas. Logró contactar a más de 100 de ellas. Algunas ni sabían lo que les

habían hecho. Otras pensaban que la ligadura era reversible. Finalmente Antonia logró convencer a 11 de luchar contra esta práctica inhumana en un foro público. Ahora necesitaba ayuda para dar a conocer el caso. Así fue que contactó a un grupo de mujeres, quienes juntas habían formado la Comisión Femenil Mexicana Nacional. La organización se puso en acción. Visitaron oficinas gubernamentales federales exigiendo que se aprobaran leyes que protegieran a las mujeres de abusos de esta índole, y dieron conferencias de prensa para dar publicidad al tema.

Hoy día nuestras heroínas continúan su labor en pro de las mujeres en importantes puestos: Antonia encabeza la organización filantrópica California Community Foundation; Gloria es miembro de Los Angeles County Board of Supervisors; y Olivia encabeza Los Angeles County Commission for Women's Domestic Violence Committee.